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13 Attorneys for Defendants MARYLAND
MARKETSOURCE, INC., ALLEGIS GROUP,
14 INC., and ALLEGIS GROUP HOLDINGS,
INC.
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16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA

19 JOHNNY ESPARZA, on behalf of himself, all
20 others similarly situated,

21 *Plaintiff,*

22 vs.

23 MARYLAND MARKETSOURCE, INC., a
Maryland corporation; ALLEGIS GROUP,
24 INC., a Maryland corporation; ALLEGIS
GROUP HOLDINGS, INC., a Maryland
25 corporation; and DOES 1 through 50,
inclusive,

26 *Defendants.*
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Case No. 3:18-cv-02971-EMC

Assigned For All Purposes to the Honorable
Edward M. Chen, Courtroom 5

**STIPULATION TO CONTINUE
BRIEFING SCHEDULE, COURT
HEARING AND RELATED DEADLINES;
[PROPOSED] ORDER** (modified)

Action Filed: April 12, 2018

1 **JOINT STIPULATION**

2 This Stipulation is made by and between Plaintiff JOHNNY ESPARZA (“Plaintiff”), and
3 Defendants MARYLAND MARKETSOURCE, INC., ALLEGIS GROUP
4 INC., and ALLEGIS GROUP HOLDINGS, INC. (“Defendants”) (“collectively with Plaintiff the
5 “Parties”), through their respective counsel of record, seeking modified briefing schedules for
6 Motion to Dismiss and Motion to Transfer Venue, a continuance of the hearing, and a stay on
7 discovery pending resolution of these motions.

8 WHEREAS, on April 12, 2018, Plaintiff filed this lawsuit in the San Mateo Superior Court
9 alleging Defendants’ various state and federal violations pertaining to pre-employment background
10 checks and California wage and hour laws;

11 WHEREAS, on May 22, 2018, Defendants removed the action to this Court;

12 WHEREAS, on August 2, 2018, Defendants filed Motion to Dismiss (Dkt. # 19) and Motion
13 to Transfer Venue (Dkt. # 20);

14 WHEREAS, the hearing on both motions is currently scheduled for September 13, 2018, at
15 1:30 p.m. (Dkt. #23);

16 WHEREAS, pursuant to Federal Civil Procedure Rule 6(d) and Northern District Rule 7-
17 3(a), Plaintiff’s opposition papers for both motions must be filed no later than August 16, 2018;

18 WHEREAS, pursuant to Federal Civil Procedure Rule 6(d) and Northern District Rule 7-
19 3(c), Defendants’ reply papers to Plaintiff’s opposition papers for both motions must be filed no
20 later than August 23, 2018;

21 WHEREAS, the Parties reached an agreement that Plaintiff will have until August 27, 2018,
22 to file his Opposition to Motion to Dismiss and Motion to Transfer Venue and Defendants will have
23 until September 13, 2018 to file their Reply to Plaintiff’s Opposition to Motion to Dismiss and
24 Motion to Transfer Venue;

25 WHEREAS, the Parties also reached an agreement, with the Court’s permission, to continue
26 the hearing date for both motions to September 27, 2018 at 1:30 p.m.;

27 WHEREAS, the Parties agree to request that if the Court sets the hearing on the Motions for
28 a date after September 27, 2018, that the Court continue the October 25, 2018 Scheduling

1 Conference until a date after resolution of the Motions, and the Parties further agree not to serve
2 written discovery or to notice any depositions pending rescheduling of that Scheduling Conference.

3 WHEREAS, in light of the above, the Parties have agreed to enter into a Stipulation that will
4 seek an Order to continue the deadlines to file an Opposition to Motion to Dismiss and Motion to
5 Transfer Venue, Reply to Opposition to Motion to Dismiss and Motion to Transfer Venue, and
6 continue the hearing on both motions and defer discovery and the Scheduling Conference until after
7 the motions are resolved;

8 WHEREAS, the Parties have agreed that, except as otherwise stated, nothing in this
9 Stipulation shall operate as a waiver of any rights they may have in this action.

10 THEREFORE, the Parties hereby stipulate and agree as follows:

- 11 1. The Parties enter into a Stipulation respectfully seeking an Order to continue the
12 deadlines and hearing as follow:
 - 13 1. Plaintiff's Opposition to Motion to Dismiss from August 16, 2018,
14 to August 27, 2018;
 - 15 2. Plaintiff's Opposition to Motion to Transfer Venue from August
16 16, 2018, to August 27, 2018;
 - 17 3. Defendants' Reply to Opposition to Motion to Dismiss from
18 August 23, 2018, to September 13, 2018;
 - 19 4. Defendants' Reply to Opposition to Motion to Transfer Venue
20 from August 23, 2018, to September 13, 2018;
 - 21 5. Hearing for Motion to Dismiss and Motion to Transfer Venue
22 from September 13, 2018, to September 27, 2018, or a date
23 thereafter most convenient for the Court;
- 24 2. Should the Court set the hearing on the Motion to Dismiss and Motion to Transfer
25 Venue later than September 27, 2018, to request that the Court defer the Scheduling
26 Conference and the associated Rule 26(f) deadlines in order to obtain rulings on
27 these motions prior to engaging in their Rule 26(f) conference;
- 28 3. To defer discovery, including noticing of depositions and written discovery, until
after the Court resolves the pending Motions to Dismiss and to Transfer Venue; and
4. Except as otherwise stated, nothing in this Stipulation shall operate as a waiver of
any rights that either Plaintiff or Defendants may have in this action.

1 DATED: August 15, 2018

SETAREH LAW GROUP

2
3 /s/ Shaun Setareh

4 SHAUN SETAREH
H. SCOTT LEVIANT

5 Attorneys for Plaintiff
6 JOHNNY ESPARZA

7 DATED: August 15, 2018

LITTLER MENDELSON, P.C.

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9
10 /s/ Kurt R. Bockes

11 ROD M. FLIEGEL
ALISON S. HIGHTOWER
12 KURT R. BOCKES

13 Attorneys for Defendants MARYLAND
MARKETSOURCE, INC., ALLEGIS GROUP, INC.,
14 and ALLEGIS GROUP HOLDINGS, INC.
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1 **ATTESTATON OF CONCURRENCE IN FILING**

2 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in
3 the filing of this document has been obtained from the other signatory above.

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6 /s/ Shaun Setareh
7 SHAUN SETAREH
8 H. SCOTT LEVIANT

9 Attorneys for Plaintiff
10 JOHNNY ESPARZA
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~~PROPOSED~~ ORDER

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

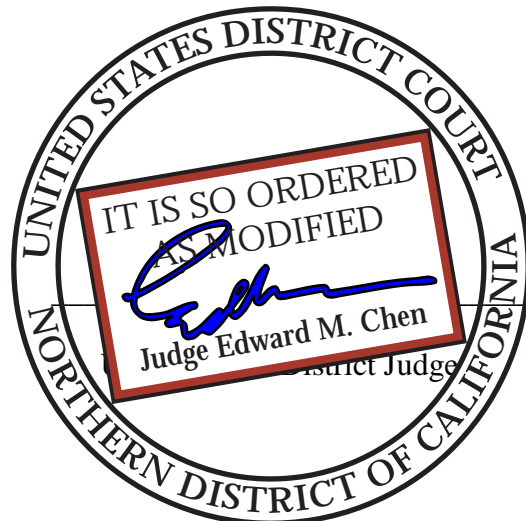
Having considered the Stipulation between the Parties, and good cause appearing therefore, this Court hereby grants the stipulation to extend deadlines.

This Court hereby ORDERS:

1. Plaintiff shall file Opposition to Motion to Dismiss by August 27, 2018;
2. Plaintiff shall file Opposition to Motion to Transfer Venue by August 27, 2018;
3. Defendants' shall file their Reply to Opposition to Motion to Dismiss by September 13, 2018;
4. Defendants' shall file their Reply to Opposition to Motion to Transfer Venue by September 13, 2018;
5. The Hearing on the Motion to Dismiss and Motion to Transfer Venue is hereby set for ~~September 27, 2018, at 1:30 p.m.~~ or [^{Oct. 25, 2018} at 1:30 p.m.].
6. [Should the Court schedule the hearing for later than September 27, 2018], the Court hereby vacates the October 25, 2018 Scheduling Conference and reschedules it for ^{Nov. 15}, 2018 at ^{9:00 a.m.} ~~p.m.~~. The parties shall file their Rule 26(f) Report seven days in advance of that Conference.

IT IS SO ORDERED.

DATED: August ¹⁷, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 15TH day of August, 2018, a true and correct copy of the foregoing document was filed via the court's CM/ECF filing system and a copy was delivered via the same on all attorneys of record.

/s/ Shaun Setareh
SHAUN SETAREH
H. SCOTT LEVIANT

Attorneys for Plaintiff
JOHNNY ESPARZA

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